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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 CYRUS VEAL,

8 Plaintiff(s),

9 v.

10 UBER TECHNOLOGIES, INC., et al.,

11 Defendant(s).

Case No. 2:19-CV-2194 JCM (EJY)

ORDER

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13 Presently before the court is the matter of *Veal v. Uber Technologies, Inc., et al.*, case no.
14 2:19-cv-02194-JCM-EJY. Cyrus Veal (“plaintiff”) filed the instant action on September 25,
15 2019, against Uber Technologies, Inc. (“Uber”) and James Rivers Insurance Company (“James
16 River”). (ECF No. 1-2). James River timely removed the case on December 20, 2019. (ECF
17 No. 1).

18 Federal Rule of Civil Procedure 4(m) provides as follows:

19 If a defendant is not served within 90 days after the complaint is
20 filed, the court—on motion or on its own after notice to the
21 plaintiff—must dismiss the action without prejudice against that
22 defendant or order that service be made within a specified time.
23 But if the plaintiff shows good cause for the failure, the court must
24 extend the time for service for an appropriate period. This
25 subdivision (m) does not apply to service in a foreign country
26 under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under
27 Rule 71.1(d)(3)(A).

28 Fed. R. Civ. P. 4(m).

More than 90 days have elapsed since the instant action was filed in state court. James
River indicated that “[n]o affidavit of service ha[d] been filed for Uber Technologies, Inc.” at the
time of removal. (ECF No. 1 at 2). To date, plaintiff has still not served Uber.

1 On February 6, 2020, the court instructed plaintiff to show cause why his claims against
2 Uber should not be dismissed pursuant to Fed. R. Civ. P. 4(m) within seven (7) days. Plaintiff
3 has not shown cause or otherwise responded.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's claims against
6 Uber Technologies, Inc. be, and the same hereby are, DISMISSED.

7 The clerk is instructed to enter judgment and close the case accordingly.

8 DATED February 14, 2020

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10 UNITED STATES DISTRICT JUDGE